



United States District Court

Southern District of Florida

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Notice of Orders or Judgments

Date: 09/07/06

To: Daniel E. Reidy (aty)
77 West Wacker Drive
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Chicago, IL 60601

Re: Case Number: 1:06-cv-21303

Document Number: 43

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.06-21303-CIV-GOLD/TURNOFF

UNITED STATES OF AMERICA, ex rel.

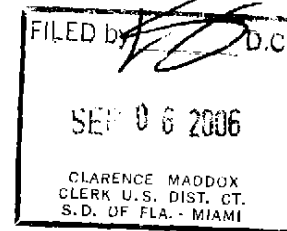
VEN-A-CARE, OF THE FLORIDA KEYS, INC.,
a Florida corporation, by and through its
principal officers and directors, ZACHARY
T. BENTLEY, and T. MARK JONES,

Plaintiff,

v.

ABBOTT LABORATORIES, INC., and
HOSPIRA, INC.,

Defendant. /



ORDER DENYING ABBOTT LABORATORIES, INC.'S MOTION TO COMPEL

THIS CAUSE came before the Court upon Defendant Abbott Laboratories, Inc.'s Motion to Compel Production of Plaintiffs' Under Seal Filing with the Judicial Panel For Multidistrict Litigation [DE # 41]. The United States filed an Opposition [DE # 42] to the Motion on August 25, 2006.

On July 20, 2006, the Court held a telephonic status conference to discuss the Conditional Transfer Order recently issued by the Judicial Panel on Multidistrict Litigation which conditionally transferred this matter for resolution by the Judicial Panel. The Court was concerned as to what effect the conditional transfer of this case to the Judicial Panel might have on the original action (from which this case originated) which is still before the undersigned. As counsel for the United States indicated that she had not considered this issue, I directed the United States to file a written statement with the Judicial Panel seeking guidance on this issue.

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In the Motion, Defendant Abbott asks the Court to compel the United States to produce a copy of the written statement to Defendant Abbott. Upon review of the Motion, I conclude that it is without merit. I conclude that the issues raised in the written statement do not affect Defendant Abbott, thus the United States need not produce a copy of the written statement, filed under seal, to Defendant Abbott. Accordingly, it is **ORDERED AND ADJUDGED**:

1. Defendant Abbott Laboratories, Inc.'s Motion to Compel Production of Plaintiffs' Under Seal Filing with the Judicial Panel For Multidistrict Litigation **[DE # 41]** is **DENIED** without prejudice.

2. Defendant Abbott Laboratories, Inc. may file a renewed motion to compel before the Judicial Panel if it so desires.

3. This case remains **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 5 day of September, 2006.



ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

Copies furnished to:
U.S. Magistrate Judge Turnoff
All Counsel of Record